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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,650

10/05/2005

Peter Groche

000008-004

7130

44012

7590

09/28/2009

WRB-IP LLP
1217 KING STREET
ALEXANDRIA, VA 22314

EXAMINER

PILKINGTON, JAMES

ART UNIT

PAPER NUMBER

3656

NOTIFICATION DATE

DELIVERY MODE

09/28/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/528,650	Applicant(s) GROCHE ET AL.	
	Examiner JAMES PILKINGTON	Art Unit 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 10523 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-19 and 24-29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jelenak, DT 2431935 (cited by Applicant). See Figure 2.

Claims 13, 14, 20 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Groche, DE 10039768 A1.

Groche discloses a profiled guiding element (2) formed of sheet metal for guiding operations, comprising a piece of sheet metal (2) having two projecting edge flanges (2a and small portion to the left of 2a on the left side of 1) on a longitudinal edge thereof, the two projecting edge flanges being formed by profiling gaps in the longitudinal edge, at least one surface of the profiled guiding element forming a guiding surface (surfaces of 2a and shorter left hand side guide 1) for at least rolling body (1), wherein at least one surface of the edge flanges forms the at least one guiding surface (see Figure 2), wherein the two edge flanges (2a and shorter left hand side) are arranged asymmetrically to a plane in the center of the profiled guiding element (see dashed line in Figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groche, DE 10039768, in view of Rotthowe, USP 5,242,221.

Groche discloses all of the claimed subject matter as applied above.

Groche does not disclose that an exterior side of at least one of the two flanges forms the guiding surface.

Rotthowe teaches that both interior and exterior sides of flanges (surfaces on 4 engaging balls in Figure 2) can form a guiding surface for a rolling element.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Groche and use the exterior sides of the flanges to form the guiding surface, as taught by Rotthowe, since placing the rolling element on the exterior of the flange and engaging a slide element would yield the predictable result of supporting the slide element in the same manner as the rolling element being located on the interior of the flange and engaging a slide element.

Claims 22, 23 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groche, DE 10039768, in view of Wilmer, USP 2,757,051.

Groche discloses all of the claimed subject matter as applied above.

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Groche does not disclose that the two edge flanges at least partially surround a sliding body that forms an internal joint element and wherein both of the interior sides of the two edge flanges face each other and form the guiding surface and line on a common surface of a cylinder.

Wilmer teaches two edge flanges (left and right sides of B) at least partially surround a sliding body (39) that forms an internal joint element and wherein both of the interior sides of the two edge flanges (left and right sides of B) face each other and form the guiding surface and line on a common surface of a cylinder (39 is a cylinder, the common surface is the exterior surface) for the purpose of providing an elongated bearing with anti-friction characteristic that matches a profile of the sliding member (C1/L15-34).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Grouch and provide for the two edge flanges to at least partially surround a sliding body that forms an internal joint element and wherein both of the interior sides of the two edge flanges face each other and form the guiding surface and line on a common surface of a cylinder, as taught by Wilmer, for the purpose of providing an elongated bearing with anti-friction characteristic that matches a profile of the sliding member.

Response to Arguments

Applicant's arguments with respect to claims 21-23, 31 and 32 have been considered but are moot in view of the new ground(s) of rejection as necessitated by Applicant's amendment.

Applicant's arguments filed 7/10/09 have been fully considered but they are not persuasive.

The Applicant argues that neither Groche nor Jelenak disclose flanges formed by "a profiling gaps method."

Claim 13 does not require "a profiling gaps method." Claim 13 only requires that the flanges be "formed by profiling gaps." As broadly defined, as long as the two flanges are formed by putting a gap between the metal, the prior art meets this limitation. The claim does not specifically address a particular method which could be considered a product-by-process limitation which results in different structure not disclosed in the prior art. In addition, the specification of the instant application discusses a rolling process taking place during gap profiling (see page 5) and this rolling process appears to be similar to the second step (Kalibrieren) in the process shown in Jelenak, see Figure 3.

With regards to Declaration: The Declaration does not address the claim language as recited (profiling gap verses profiling gaps method). The declaration also addresses "good deformable materials" but does not specifically address what is meant by this nor does this appear in the claim. Jelenak discloses a gap profiling step in the method of making the element which results in similar structure of the instant

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application. The only question is regarding the presence of a crack created by the splitting process; this crack could be rolled out in the gap profiling step of Jelenak.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES PILKINGTON whose telephone number is (571)272-5052. The examiner can normally be reached on Monday - Friday 7-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES PILKINGTON/
Examiner, Art Unit 3656
9/16/09

/Thomas R. Hannon/
Primary Examiner, Art Unit 3656